

E-FILED 11.14.11 JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PHILEMON TAM, KATHY T-M TAM,
TITUS TAMBUNAN, CHRISTINE
TAM, and VICTOR TAM,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its own name and as
Receiver for IndyMac Bank, F.S.B.;
DOES 1 through 10,

Defendants.

CASE NO. CV 08-06458 MMM (AJWx)

JUDGMENT AFFIRMING FINDINGS
AND DECISION OF FEDERAL DEPOSIT
INSURANCE CORPORATION AND
DISMISSING PLAINTIFFS' 12 U.S.C.
§ 1821(d) CLAIM

On January 27, 2010, the court granted the FDIC's motion to dismiss plaintiffs' claim alleging acts and omissions by IndyMac Bank prior to the bank's failure and dismissed plaintiffs' 12 U.S.C. § 1821(d) claim with prejudice. On November 14, 2011, the court filed its Findings of Fact and Conclusions of Law concerning plaintiffs' claim that the FDIC's deposit insurance determination was arbitrary and capricious. Accordingly,

IT IS ORDERED AND ADJUDGED

1. That the findings of the Federal Deposit Insurance Corporation, pursuant to the Federal Deposit Insurance Act ("FDIA"), as amended, 12 U.S.C. §§ 1811 et seq., are affirmed;
2. That plaintiffs recover nothing by way of their claim under 12 U.S.C. § 1821(d); and
3. That this action be, and it hereby is, dismissed.

DATED: November 14, 2011


MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE